

IN THE SENATE

SENATE BILL NO. 1137

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE SAFE BOATING ACT; AMENDING SECTION 67-7038, IDAHO CODE, TO PROVIDE THAT IT SHALL NOT BE A VIOLATION TO OPERATE A MOTORBOAT EQUIPPED WITH DEVICES PROVIDED BY THE MANUFACTURER AS STOCK EQUIPMENT THAT ARE NOT USED TO EXCEED CERTAIN NOISE LEVELS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-7038, Idaho Code, be, and the same is hereby amended to read as follows:

67-7038. MUFFLERS AND NOISE RESTRICTIONS. (1) It shall be unlawful for any person to operate, or permit the operation of, any motorboat on the waters of the state of Idaho unless the motorboat shall at all times be equipped with a muffler or a muffler system in good working order and in constant operation and effectively installed to prevent any excessive or unusual noise.

(2) For the purposes of this section, "muffler" shall mean a sound suppression device or system designed and installed to abate the sound of exhaust gases emitted from an internal combustion engine and which prevents excessive or unusual noise.

(3) It shall be unlawful for any person to operate, or permit the operation of, any motorboat on the waters of the state of Idaho in such a manner as to exceed the following noise levels:

(a) For motorboats manufactured before January 1, 1995, a noise level of 90dB(A) when subjected to a stationary sound level test as prescribed by SAE J2005;

(b) For motorboats manufactured on or after January 1, 1995, a noise level of 88dB(A) when subjected to a stationary sound level test as prescribed by SAE J2005.

(4) It shall be unlawful for any person to operate, or permit the operation of, any motorboat on any lake or reservoir of the state of Idaho, which is more than five hundred (500) feet in width, in such a manner as to exceed a noise level of 75dB(A) measured as specified in SAE J1970. Provided, that such measurement shall not preclude a stationary sound level test as prescribed by SAE J2005.

(5) No person shall operate, or give permission for the operation of, any motorboat on the waters of the state of Idaho that is equipped with an altered muffler or a muffler cutout, bypass or other device designed or so installed so that it can be used to continually or intermittently bypass or otherwise reduce or eliminate the effectiveness of any muffler or muffler system installed in accordance with the provisions of this section.

(6) No person shall remove, alter or otherwise modify in any way a muffler or muffler system in a manner which will prevent it from being operated in accordance with the provisions of this section.

1 (7) Effective January 1, 1995, a person shall not manufacture, sell or offer for sale
2 any motorboat unless it is equipped with a muffler or muffler system which does comply
3 with subsection (3) of this section. This subsection shall not apply to motorboats designed,
4 manufactured and sold for the sole purpose of competing in racing events and for no other
5 purpose.

6 (8) The provisions of this section shall not apply to motorboats registered and actually
7 participating in an authorized marine event, or to a motorboat being operated by a boat or
8 engine manufacturer for the sole purpose of testing and/or development.

9 (9) Any peace officer who has reason to believe that a motorboat is not in compliance
10 with the noise levels established in this section may direct the operator of such motorboat
11 to submit the motorboat to an on-site test to measure noise levels, with the officer on board
12 if such officer chooses, and the operator shall comply with such request. If such motorboat
13 exceeds the decibel levels established in this section, the officer may direct the operator to take
14 immediate and reasonable measures to correct the violation, including returning the motorboat
15 to a mooring and keeping the motorboat at such mooring until the violation is corrected or
16 ceases.

17 (10) Notwithstanding any other provision of this section, it shall not be a violation to
18 operate a motorboat equipped with devices provided by the manufacturer as stock equipment
19 that are not used to exceed the noise levels described in this section.